APPEAL NO. 170600

FILED MAY 2, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on January 25, 2017, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (claimant) reached maximum medical improvement (MMI) on November 18, 2015; and (2) the claimant's impairment rating (IR) is 20%. The appellant (carrier) appeals the hearing officer's determination of the IR, contending that the hearing officer's decision is internally inconsistent. Alternatively, the carrier argues that the determination that the preponderance of the medical evidence overcame the presumptive weight of the designated doctor's opinion that the claimant's IR is 20%. The appeal file does not contain a response from the claimant. The hearing officer's determination that the claimant reached MMI on November 18, 2015, was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

It was undisputed that the claimant sustained a compensable injury in the form of a right direct inguinal hernia on August 30, 2015. The medical records reflect the claimant was injured when he was lifting a battery weighing approximately 100 pounds into the bed of a pickup truck.

CARRIER INFORMATION

We note that the hearing officer listed Travelers Casualty & Surety Company as the true corporate name of the insurance carrier. However, the carrier information sheet in evidence lists the carrier's true corporate name as Travelers Indemnity Companies explaining that Travelers Casualty & Surety Company comes under the Travelers Companies umbrella.

IR

Section 408.125(c) provides that the report of the designated doctor shall have presumptive weight, and the Texas Department of Insurance, Division of Workers' Compensation (Division) shall base the IR on that report unless the preponderance of

the other medical evidence is to the contrary, and that, if the preponderance of the medical evidence contradicts the IR contained in the report of the designated doctor chosen by the Division, the Division shall adopt the IR of one of the other doctors. 28 TEX. ADMIN. CODE § 130.1(c)(3) (Rule 130.1(c)(3)) provides that the assignment of an IR for the current compensable injury shall be based on the injured employee's condition as of the MMI date considering the medical record and the certifying examination.

In his discussion of the evidence the hearing officer notes that the opinion of the designated doctor is afforded presumptive weight and that based on the medical evidence presented the designated doctor's assigned IR is persuasive and supported by a preponderance of the evidence. The hearing officer found that the 20% IR certified by the designated doctor is supported by the preponderance of the medical evidence. The hearing officer determined that the claimant's IR is 20%. The hearing officer's determination is supported by sufficient evidence and is affirmed. The carrier correctly noted in its appeal that the opening paragraph of the Decision and Order states that the claimant reached MMI on November 18, 2015, with a 10% IR. The hearing officer made clear in his discussion as well as the findings of fact, conclusions of law, and decision following that he determined the claimant's IR is 20%. Accordingly, we reform the opening paragraph of the decision and order to reflect that the claimant reached MMI on November 18, 2015, with a 20% IR. We affirm the hearing officer's determination that the claimant's IR is 20%.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANIES** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
d/b/a CSC-LAWYERS INCORPORATING SERVICE CO.
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge